HOUSE FILE 728
BY COMMITTEE ON PUBLIC SAFETY

(SUCCESSOR TO HSB 140)

A BILL FOR

An Act relating to controlled substances, including amending information collection and reporting requirements under the Iowa prescription monitoring program, amending the controlled substance schedules, removing certain references to marijuana, making penalties applicable, and including effective date provisions.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

DIVISION I

IOWA PRESCRIPTION MONITORING PROGRAM INFORMATION

Section 1. Section 124.201A, subsection 1, Code 2019, is amended to read as follows:

1. If a cannabidiol or nabiximols investigational product approved as a prescription drug medication by the United States food and drug administration is eliminated from or revised in the federal schedule of controlled substances by the federal drug enforcement agency and notice of the elimination or revision is given to the board, the board shall similarly eliminate or revise the prescription drug medication in the schedule of controlled substances under this chapter. Such action by the board shall be immediately effective upon the date of publication of the final regulation containing the elimination or revision in the federal register.

Sec. 2. Section 124.554, subsection 2, unnumbered paragraph 1, Code 2019, is amended to read as follows:

Beginning ~~January~~ February 1, ~~2007~~ 2020, and annually by ~~January~~ February 1 thereafter, the board and advisory council shall present to the general assembly and the governor a report prepared consistent with section 124.555, subsection 3, paragraph *"d"*, which shall include but not be limited to the following:

DIVISION II

CONTROLLED SUBSTANCE SCHEDULES

Sec. 3. Section 124.204, subsection 2, Code 2019, is amended by adding the following new paragraph:

NEW PARAGRAPH. *be.* MT-45 (1-cyclohexyl-4-(1,2-diphenylethyl)piperazine).

Sec. 4. Section 124.204, subsection 4, paragraph m, Code 2019, is amended to read as follows:

m. Marijuana~~, except as otherwise provided by rules of the board for medicinal purposes~~.

Sec. 5. Section 124.204, subsection 4, paragraph u, unnumbered paragraph 1, Code 2019, is amended to read as

follows:

Tetrahydrocannabinols, ~~except as otherwise provided by rules of the board for medicinal purposes,~~ meaning tetrahydrocannabinols naturally contained in a plant of the genus Cannabis (Cannabis plant) as well as synthetic equivalents of the substances contained in the Cannabis plant, or in the resinous extractives of such plant, and synthetic substances, derivatives, and their isomers with similar chemical structure and pharmacological activity to those substances contained in the plant, such as the following:

Sec. 6. Section 124.204, subsection 6, paragraph i, Code 2019, is amended by adding the following new subparagraph:

NEW SUBPARAGRAPH. (27) 1-(1,3-benzodioxol-5-yl)-2-(ethylamino)-pentan-1-one. Other names: N-ethylpentylone or ephylone.

Sec. 7. Section 124.204, subsection 7, Code 2019, is amended by striking the subsection.

Sec. 8. Section 124.204, subsection 9, Code 2019, is amended by adding the following new paragraphs:

NEW PARAGRAPH. *af.* N-(1-phenethylpiperidin-4-yl)-N-phenylcyclopropanecarboxamide, its isomers, esters, ethers, salts and salts of isomers, esters, and ethers. Other name: cyclopropyl fentanyl.

NEW PARAGRAPH. *ag.* N-(1-phenethylpiperidin-4-yl)-N-phenylpentanamide, its isomers, esters, ethers, salts and salts of isomers, esters and ethers. Other name: valeryl fentanyl.

NEW PARAGRAPH. *ah.* N-(4-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)butyramide, its isomers, esters, ethers, salts and salts of isomers, esters, and ethers. Other name: para-fluorobutyryl fentanyl.

NEW PARAGRAPH. *ai.* N-(4-methoxyphenyl)-N-(1-phenethylpiperidin-4-yl)butryamide, its isomers, esters, ethers, salts and salts of isomers, esters, and ethers. Other name: para-methyoxybutyryl fentanyl.

NEW PARAGRAPH. *aj.* N-(4-chlorophenyl)-N-(1-

phenethylpiperidin-4-yl)isobutryramide, its isomers, esters, ethers, salts and salts of isomers, esters, and ethers. Other name: para-chloroisobutyryl fentanyl.

NEW PARAGRAPH. *ak.* N-(1-phenethylpiperidin-4-yl)-N-phenylisobutyramide, its isomers, esters, ethers, salts and salts of isomers, esters, and ethers. Other name: isobutyryl fentanyl.

NEW PARAGRAPH. *al.* N-(1-phenethylpiperidin-4-yl)-N-phenylcyclopentanecarboxamide, its isomers, esters, ethers, salts and salts of isomers, esters, and ethers. Other name: cyclopentyl fentanyl.

NEW PARAGRAPH. *am.* N-(2-fluorophenyl)-2-methoxy-N-(1-phenethylpiperidin-4-yl)acetamide, its isomers, esters, ethers, salts and salts of isomers, esters, and ethers. Other name: ocfentanil.

NEW PARAGRAPH. *an.* Fentanyl-related substances, their isomers, esters, ethers, salts and salts of isomers, esters and ethers. "*Fentanyl-related substance*" means any substance not otherwise listed under this schedule or another schedule, and for which no exemption or approval is in effect under section 505 of the federal Food, Drug, and Cosmetic Act that is structurally related to fentanyl by one or more of the following modifications:

(1) Replacement of the phenyl portion of the phenethyl group by any monocycle, whether or not further substituted in or on the monocycle.

(2) Substitution in or on the phenethyl group with alkyl, alkenyl, alkoxyl, hydroxyl, halo, haloalkyl, amino, or nitro groups.

(3) Substitution in or on the piperidine ring with alkyl, alkenyl, alkoxyl, ester, ether, hydroxyl, halo, haloalkyl, amino, or nitro groups.

(4) Replacement of the aniline ring with any aromatic monocycle whether or not further substituted in or on the aromatic monocycle.

(5) Replacement of the *N*-propionyl group by another acyl group.

NEW PARAGRAPH. *ao.* Naphthalen-1-yl 1-(5-fluoropentyl)-1*H*-indole-3-carboxylate. Other names: NM2201 or CBL2201.

NEW PARAGRAPH. *ap.* *N*-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(5-fluoropentyl)-1*H*-indazole-3-carboxamide. Other name: 5F-AB-PINACA.

NEW PARAGRAPH. *aq.* 1-(4-cyanobutyl)-*N*-(2-phenylpropan-2-yl)-1*H*-indazole-3-carboxamide. Other names: 4-CN-CUMYL-BUTINACA, 4-cyano-CUMYL-BUTINACA, 4-CN-CUMYL BINACA, CUMYL-4CN-BINACA, or SGT-78.

NEW PARAGRAPH. *ar.* Methyl 2-(1-(cyclohexylmethyl)-1*H*-indole-3-carboxamido)-3-methylbutanoate. Other names: MMB-CHMICA or AMB-CHMICA.

NEW PARAGRAPH. *as.* 1-(5-fluoropentyl)-*N*-(2-phenylpropan-2-yl)-1*H*-pyrrolo[2,3-b]pyridine-3-carboxamide. Other name: 5F-CUMYL-P7AICA.

Sec. 9. Section 124.206, subsection 7, paragraph a, Code 2019, is amended by striking the paragraph.

Sec. 10. Section 124.208, subsection 3, paragraph c, Code 2019, is amended to read as follows:

c. Any substance which contains any quantity of a derivative of barbituric acid or any salt thereof including but not limited to Fioricet.

Sec. 11. Section 124.212, Code 2019, is amended by adding the following new subsection:

NEW SUBSECTION. 6. *Approved cannabidiol drugs.* A drug product in finished dosage formulation that has been approved by the United States food and drug administration that contains cannabidiol (2-[1R-3-methyl-6R-(1-methylethenyl)-2-cyclohexen-1-yl]-5-pentyl-1,3-benzenediol) derived from cannabis and no more than 0.1 percent (w/w) residual tetrahydrocannabinols.

Sec. 12. EFFECTIVE DATE. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

DIVISION III

PHARMACEUTICAL COLLECTION AND DISPOSAL PROGRAM

Sec. 13. Section 155A.43, Code 2019, is amended to read as follows:

155A.43 Pharmaceutical collection and disposal program — annual allocation.

1. Of the fees collected by the board pursuant to sections 124.301 and 147.80 and this chapter, and retained by the board pursuant to section 147.82, the board may annually allocate a sum deemed by the board to be adequate for administering the pharmaceutical collection and disposal program. The program shall provide for the management and disposal of unused, excess, and expired pharmaceuticals, including the management and disposal of controlled substances pursuant to state and federal regulations. The board may contract with one or more vendors for the provision of supplies and services to manage and maintain the program and to safely and appropriately dispose of pharmaceuticals collected through the program.

2. A person shall not be required to participate in the pharmaceutical collection and disposal program or pay any tax, fee, assessment, or other charge for the purpose of administering a pharmaceutical collection and disposal program.

EXPLANATION

The inclusion of this explanation does not constitute agreement with the explanation's substance by the members of the general assembly.

DIVISION I — CONTROLLED SUBSTANCES — IOWA PRESCRIPTION MONITORING PROGRAM INFORMATION REPORTING. This division provides that if a nabiximols investigational product approved as a prescription drug medication by the United States food and drug administration is eliminated from or revised in the federal schedule of controlled substances by the federal drug enforcement agency and notice of the elimination or revision is given to the board of pharmacy, the board shall similarly eliminate or revise the prescription drug medication in the schedule of controlled substances under Code chapter 124. Such

action by the board shall be immediately effective upon the date of publication of the final regulation containing the elimination or revision in the federal register. The board is required to adopt rules and may adopt emergency rules which shall be effective immediately upon filing unless a later date is specified in the rules.

The division changes the due date for the annual Iowa prescription monitoring program report submitted by the board of pharmacy and the advisory council created pursuant to Code section 124.555 to the governor and legislature from January 1 to February 1.

DIVISION II —— CONTROLLED SUBSTANCE SCHEDULES. This division adds one opioid analgesic, one synthetic cathinone, five synthetic cannabinoids, and nine synthetic opioids to schedule I of the Act, and any FDA-approved products containing cannabidiol that contain no more than 0.1 percent tetrahydrocannabinols to schedule V of the Act.

The division designates all products which contain derivatives of barbituric acid (butalbital) as schedule III controlled substances under the Act, subject to reporting to the PMP.

The division strikes language referring to medical marijuana programs of the board of pharmacy.

The division becomes effective upon enactment.

DIVISION III —— PHARMACEUTICAL COLLECTION AND DISPOSAL PROGRAM. This division provides that a person cannot be required to participate in or pay any fee for the pharmaceutical collection and disposal program.